

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

STATE OF TEXAS,	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	EP-17-CV-179-PRM
	§	
YSLETA DEL SUR PUEBLO, THE TRIBAL	§	
COUNCIL, AND THE TRIBAL GOVERNOR	§	
MICHAEL SILVAS OR HIS SUCCESSOR,	§	
<i>Defendants.</i>	§	

PLAINTIFF TEXAS’S NOTICE OF AUTHORITY

On March 14, 2019, the Fifth Circuit issued a published opinion in *Texas v. Alabama-Coushatta Tribe of Texas*, --- F.3d ---, 2019 WL 1199564 (5th Cir. Mar. 14, 2019), in which the Fifth Circuit “reaffirm[ed] that the Restoration Act and the Texas law it invokes—and not [the Indian Gaming Regulatory Act]—govern the permissibility of gaming operations” on the lands of Restoration Act tribes. *Id.* at *7. The Fifth Circuit also observed that “[t]hough *Ysleta I* arose in the context of the Pueblo’s trying to conduct IGRA class III gaming, *Ysleta I* does not suggest that the conflict between the Restoration Act and IGRA is limited to class III gaming.” *Id.* at *3 n.5.

For the reasons stated in *Alabama-Coushatta* and those Texas has already briefed, the Tribe’s motion for reconsideration should be denied and a permanent injunction should issue.

Respectfully submitted.

KEN PAXTON
Attorney General of Texas

JEFFREY C. MATEER
First Assistant Attorney General

DARREN L. MCCARTY
Deputy Attorney General for Civil Litigation

AMANDA J. COCHRAN-MCCALL
Chief for General Litigation Division

/s/ Michael R. Abrams
MICHAEL R. ABRAMS
Texas Bar No. 24087072
BENJAMIN S. LYLES
Texas Bar No. 24094808
SUMMER R. LEE
Texas Bar No. 24046283
Assistant Attorneys General
General Litigation Division
P.O. Box 12548, Capitol Station
Austin, Texas 78711-2548
(512) 475-4074 | FAX: (512) 320-0667
michael.abrams@oag.texas.gov
benjamin.lyles@oag.texas.gov
summer.lee@oag.texas.gov

**ATTORNEYS FOR PLAINTIFF
THE STATE OF TEXAS**

CERTIFICATE OF SERVICE

I hereby certify that on this the 15th day of March, 2019, a true and correct copy of the foregoing was filed using the Court's CM/ECF system, causing electronic service upon all counsel of record.

/s/ Michael R. Abrams
MICHAEL R. ABRAMS
Assistant Attorney General